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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,176	10/28/2003	Robert Silva	29757/P-759	4294

4743 7590 11/13/2006

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EXAMINER

OMOTOSHO, EMMANUEL

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 11/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

NY

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/695,176		SILVA ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Emmanuel Omotosho		3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____                                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u>                                    | 6) <input type="checkbox"/> Other: ____                           |

Continuation of Attachment(s) 3. Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date  
:02/06/2004,01/21/2005,02/10/2005,06/16/2006.

## DETAILED ACTION

### *Double Patenting*

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

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Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-15, 17-51 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-34 of Chamberlain U.S. Patent Appl No. 10/178876 in view of Slomiany et al. US Patent No. 6612927. Chamberlain discloses all of the claimed subject matters except providing means for the game machine to:
  - a. Prevent a second wager on a first game type when the payout for the first game type is at least a predetermined value
  - b. Generate a second game (be it the same game type as the first game or a different game type) when the payout for the first game type is at least a predetermined value.
  - c. Receive a second wager on the first game type if the second game payout has been determined and a reset signal has been received.
3. However, in a similar invention, Slomiany et al. discloses a method for interconnecting a plurality of gaming apparatuses (specifically, any casino gaming system) to form a network of gaming apparatuses (See Fig 3 and Column 4 Fourth Paragraph). It should be noted that Internet is also a type of network, thus it falls within the scope of Slomiany et al.'s reference. Slomiany et al. also discloses a gaming apparatus comprising of a controller housing computer programs capable of generating a game display for different types

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of known casino games (See Column 2 lines 43-50). Slomiany et al. reference further discloses a method for a gaming system comprising of  $n$  stages. Where each stage is a type of game such as slots, poker, keno etc. For example, the first stage could be a type Slots while the second stage is a different type of game (such as Keno or Poker) or a new session of the first game type (slots). Each  $n+1$  stage could be dependent or independent of the events of the  $n$  stage. The motivation for dependency and game types is by choice (See Column 1 lines 55-67). The game advances to the next game upon an advancement condition set by the system. Once the advancement condition is met, the system is signaled to advance to the next stage. The advancement condition is also set by choice (See Column 2 lines 38-42 and Column 4 line 62 – Column 5 line 3). Thus, it would be obvious for someone of ordinary skill to have combine the Chamberlain et al.' reference with Slomiany et al.'s reference wherein the advancement condition is the determination of the payout value of stage  $n$  reaching a predetermined value. The motivation behind this comes from the well-known system lockup event that happens when the player hits a jackpot and the player has to wait several minutes for the attendant to come signal the system to allow the player to continue playing a new game of the same type or a totally different game.

4. Claims 4 and 16 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-34 of Chamberlain and Slomiany et al. as described above and further in view of Cole et al. US App No. 09/904061. Cole et al. discloses a gaming system wherein the system

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comprises of an electronic payout system that automatically credits a players account in the amount of the payout associated with an outcome of a game (See Abstract). Therefore it would be obvious for someone of ordinary skill to combine the System B above with Cole et al.'s reference to include an electronic pay system. The motivation comes from the Abstract where it states that the invention helps avoid extended lock-up period common in a conventional gaming system for recording of jackpot information whenever a significant jackpot is won.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loose et al. US 6517433 in view of Slomiany et al. US 6612927.
3. As can be seen in Fig. 11, Loose et al. discloses a gaming apparatus comprising of a value input device (See Column 3 lines 28-32), a display unit coupled to a controller comprising of a processor coupled to a memory system. In response to a wager for a slot machine first game, the controller is

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programmed to display video images relating to the first game through the display unit. However, Loose et al. did not show the following:

- a. a system where the controller is coupled to a memory system housing computer programs capable of generating a game display for different types of casino games such as a wide area progressive game, poker, blackjack, keno etc.
  - b. a system comprising a plurality of gaming apparatuses interconnected to form a network of gaming apparatuses
  - c. a system comprising a programmed controller capable of allowing a wager on a second game, displaying video images relating to the second game when the first value payout for the first game is determined to be at least a predetermined amount.
4. Moreover, in a similar invention, Slomiany et al. discloses a method for interconnecting a plurality of gaming apparatuses (specifically, any casino gaming system) to form a network of gaming apparatuses (See Fig 3 and Column 4 Fourth Paragraph). It should be noted that Internet is also a type of network, thus it falls within the scope of Slomiany et al.'s reference. Slomiany et al. also discloses a gaming apparatus comprising of a controller housing computer programs capable of generating a game display for different types of known casino games (See Column 2 lines 43-50). Slomiany et al. reference further discloses a method for a gaming system comprising of n stages. Where each stage is a type of game such as slots, poker, keno etc. For example, the first stage could be a type Slots while the second stage is a different type of



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game (such as Keno or Poker) or a new session of the first game type (slots).

Each  $n+1$  stage could be dependent or independent of the events of the  $n$  stage.

The motivation for dependency and game types is by choice (See Column 1 lines 55-67). The game advances to the next game upon an advancement condition

set by the system. Once the advancement condition is met, the system is

signaled to advance to the next stage. The advancement condition is also set by choice (See Column 2 lines 38-42 and Column 4 line 62 – Column 5 line 3).

Thus, it would be obvious for someone of ordinary skill to have combine the Loose et al.' reference with Slomiany et al.'s reference wherein the advancement condition is the determination of the payout value of stage  $n$  reaching a predetermined value. The motivation behind this comes from the well-known system lockup event that happens when the player hits a jackpot and the player has to wait several minutes for the attendant to come signal the system to allow the player to continue playing a new game of the same type or a totally different game.

5. In regards to claim 5, Loose et al. discloses a system wherein the display unit is capable of generating video images (See Abstract).

6. In regards to claim 6, Slomiany et al. discloses a gaming system comprising of a controller programmed to cause a video display of any type of the known casino games (See Column 7 lines 39-53).

7. In regards to claim 7, Loose et al. discloses the display unit comprising of at least one mechanical slot machine reel (See fig 1.).

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8. In regards to claims 8-11, Slomiany et al. discloses a system wherein the controller is programmed to cause the display to generate a second stage (or game) display relating to the same/different game type of the first game (the choice is up to the user) (See Column 2 lines 43-50 and Column 7 lines 39-53).

9. In regards to claims 12-18, Slomiany et al. discloses a controller programmed to prevent a second wager on said first game type if an advancement condition is met (See Column 4 line 67-Column 5 line 9). Wherein, the controller is also programmed to cause the display unit to generate a menu display comprising options for two or more games for the user to play (See Column 2 lines 39-50).

10. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Loose et al. and Slomiany et al. as applied above, and further in view of Cole et al. 09/904061. Cole et al. discloses a gaming system wherein the system comprises of an electronic payout system that automatically debits a players account in the amount of the payout associated with an outcome of a game (See Abstract). Therefore it would be obvious for someone of ordinary skill to combine the System B above with Cole et al.'s reference to include an electronic pay system. The motivation comes from the Abstract where it states that the invention helps avoid extended lock-up period common in a conventional gaming system for recording of jackpot information whenever a significant jackpot is won.

***Citation of Pertinent Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

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Acres et al., US 5655961, discloses method for operating networked gaming devices

Fier, US 6126542, discloses gaming device and method offering primary and secondary games

Brandstetter et al., App No. 09/982437, discloses gaming device having a second separate bonusing event

Yoseloff, US 6312334b1, discloses method of playing a multi-stage video wagering game

Wilder et al., US 2005/0059487 a1, discloses three-dimensional auto stereoscopic image display for a gaming apparatus

Lemay et al., US 2004/0063495 A1, discloses EPROM file system in a gaming apparatus

Mead, US 2004/0063486, discloses Apparatus and method for player interaction

Lemay, US 2003/0186734 A1, discloses a gaming machine including a lottery ticket dispenser

Nguyen et al. US 2003/0186745 A1, discloses an apparatus and method for a gaming tournament network.

### ***Conclusion***

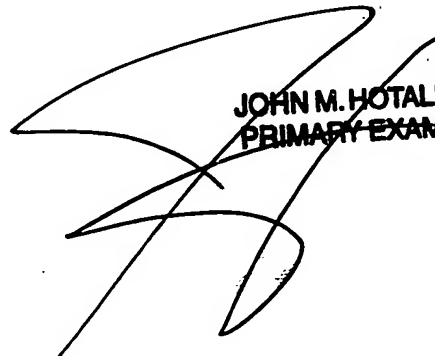
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel Omotosho whose telephone number is 5712723106. The examiner can normally be reached on m-f 8-430.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached on (571)272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EO



JOHN M. HOTALING, II  
PRIMARY EXAMINER